

Amendments to House Bill No. 594

1st Reading Copy
Requested by Representative Art Wittich
For the House State Administration Committee
Prepared by Sheri Scurr
March 26, 2015 (8:18am)

1. Page 1, line 15.
Following: "law;"
Insert: "and"

2. Page 1, line 18 through line 22.

Strike: subsection (2) through subsection (3) in their entirety

Insert: "(2) (a) If a party against whom a complaint is filed

believes that the complaint is frivolous, the party may

request that the commissioner examine the complaint and fine
the complainant as provided for in this section.

- (b) On receiving the request, the commissioner shall notify the complainant, review the complaint, and issue an initial opinion about whether the complaint violates one or more provisions of subsection (1).
- (c) If the commissioner believes that the complaint violates one or more provisions of subsection (1), the commissioner shall notify the complainant of the commissioner's initial opinion and of the complainant's options under subsection (2)(d).
- (d) On receiving the notification under subsection (2)(c), the complainant may either withdraw the complaint or request that the commissioner hold a hearing so that the complainant may respond to the allegations.
- (e) If the complainant does not withdraw the complaint and requests a hearing, the commissioner shall hold a hearing that allows the complainant to respond to the allegations.
- (3) (a) After the complainant has had a reasonable opportunity to withdraw the complaint or respond at a hearing, the commissioner shall issue a finding articulating whether or not there is a specific factual basis for concluding that the complainant violated a provision of subsection (1) and that a fine is warranted.
- (b) If the commissioner finds that a violation has occurred and a fine is warranted, the commissioner may impose a fine as provided in subsection (4).
- (4) (a) Subject to subject (4) (b), the fine imposed must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated.
  - (b) A fine may be:
- (i) up to \$250 to be paid to the commissioner for deposit in the state general fund; and
- (ii) up to \$1,000 of attorney's fees to be paid to the party against whom the complaint was made."

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